

REMARKS

Claims 2-18 are pending in this application. Claims 2-18 stand rejected. By this Amendment, claims 2 and 17 have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Claims 2, 3, 11, 12, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,845,255 ("Mayaud"). Applicant respectfully traverses this rejection.

Among the limitations of independent claim 2 not present in Mayaud is that "a user who is a patient acquires a user ID, a user password, a second password, and space for storing information concerning medical treatment of an individual in a data base." As such, it is evident that the user is not a physician in claim 2.

As disclosed in the specification and recited in the pending claims, a hospital receives notification of a patient's ID and the second password from the patient. We note that the second password is acquired by a patient, not a hospital. A second password is given to a hospital from the patient. The second password is required for users other than the patient to acquire medical treatment information regarding the patient. It should be noted that the patient, i.e., user, is not a physician as set forth in the claim.

Although the Office Action asserts that Mayaud discloses that individuals and organizations can be given patient-defined selective access through patient-generated record access specifications (Mayaud, col. 18, lns. 6-23), Mayaud neither discloses nor teaches specific patient-generated record access specifications. Accordingly, Mayaud fails

to disclose the hospital receives notification of the patient's ID and the second password from the patient. Thus, claim 2 is allowable over Mayaud. Further, because claims 3, 11, 12, and 16 depend from claim 2, those claims are also allowable.

Claims 4-6 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mayaud in view of U.S. Patent No. 6,564,104 ("Nelson"). Applicant respectfully requests reconsideration and withdrawal of this rejection. Nelson is included not to cure the deficiency in Mayaud noted above but to show additional limitations which, even if Nelson were to disclose, do not cure the deficiencies in Mayaud. Therefore, claims 4 and 6-13 are also allowable.

Claims 7, 8, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mayaud in view of U.S. Patent No. 4,882,474 ("Anderl"). Applicant respectfully traverses this rejection.

Claims 7 and 8 depend from claim 2. As claim 2 is allowable, claims 7 and 8 are allowable for at least those reasons.

Among the limitations of independent claim 17 not present in the cited combination is a computer program for providing information about the second password from the user to the person, wherein the user is a patient. As set forth in the claims, the second password is provided from a patient to a person other than the patient, the second password being requested for the person to access the space where the medical treatment information of the patient is stored.

In contrast, both Mayaud and Anderl neither disclose nor teach the above-mentioned feature that the second password is given from the patient to a person other than the patient. Accordingly, claim 17 is in immediate condition for allowance.

Claim 18 depends from, and contain all the limitations of claim 17. This dependent claim also recites additional limitations which, in combination with the limitations of claim 17, are neither disclosed nor suggested by Mayaud and are also believed to be directed towards the patentable subject matter. Thus, claim 17 should also be allowed.

Claims 9, 14, and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mayaud in view of U.S. Patent No. 5,781,442 ("Engleson"). Because claims 9, 14, and 15 depend from claim 2, they are allowable for at least those reasons. Additionally, Applicant notes that Engleson fails to cure the noted deficiencies above with respect to claim 2. Therefore, they are allowable.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mayaud in view of Engleson and Nelson. Engleson and Nelson fail to cure the deficiencies in claim 2 noted above. Therefore, claim 10 is allowable for at least that reason.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

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